

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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VICTOR CALLENDER

**Case No.: 1:15-cv-05813-
AKH**

Plaintiff,

-against-

FORSTER & GARBUS, LLP

Defendants.

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**KESHAVARZ DECLARATION IN SUPPORT OF PLAINTIFF'S HIS SECOND
MOTION FOR SUMMARY JUDGMENT AS TO LIABILITY UNDER THE
FDCPA, GBL 349, AND FOR CONVERSION**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

NOW COMES Ahmad Keshavarz and pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct.

1. I am the attorney for Plaintiff.
2. I submit this declaration in support of Plaintiff's Motion for Summary Judgment pursuant to FRCP 56 and its relevant subsections.
3. Attached is a true and correct copy of the following: Exhibit A- Defendants Responses to Requests for Admission.
4. Attached is a true and correct copy of the following: Exhibit B- The deposition transcript of Joel Liederman, the corporate representative for Forster & Garbus, LLP ("F&G").
5. Attached is a true and correct copy of the following: Exhibit C- The retainer agreement between Discover Bank and F&G.

6. Attached is a true and correct copy of the following: Exhibit D- the summons and complaint from the collections lawsuit *Discover Bank IOT Discover Card v. Victor C Callender*, Index No: CV-032484-05/NY (Supreme Court of the State of New York, New York County) (“collection lawsuit”).
7. Attached is a true and correct copy of the following: Exhibit E- The December 9, 2016 Affidavit of Victor Callender.
8. Attached is a true and correct copy of the following: Exhibit F- The default judgment from the collection lawsuit.
9. Attached is a true and correct copy of the following: Exhibit G- The affidavit of Victor Callender in support of his Order to Show Cause (“OSC”) to vacate the judgment from the collection lawsuit.
10. Attached is a true and correct copy of the following: Exhibit H- The deposition transcript of Victor Callender.
11. Attached is a true and correct copy of the following: Exhibit I- The affidavit of service from the collection lawsuit.
12. Attached is a true and correct copy of the following: Exhibit J- The OSC to vacate the default judgment in the collection lawsuit.
13. Attached is a true and correct copy of the following: Exhibit K- The receipt of mailing for service of the OSC in the collection lawsuit.
14. Attached is a true and correct copy of the following: Exhibit L- The Order vacating the default judgment in the collection lawsuit.
15. Attached is a true and correct copy of the following: Exhibit M- The Order dismissing the collection lawsuit.

16. Attached is a true and correct copy of the following: Exhibit N- The July 2, 2012 letter from F&G to Victor Callender.
17. Attached is a true and correct copy of the following: Exhibit O- The October 23, 2012 dispute letter to the New York City Department of Consumer Affairs (“DCA”).
18. Attached is a true and correct copy of the following: Exhibit P- F&G’s response to the dispute letter to DCA.
19. Attached is a true and correct copy of the following: Exhibit Q- F&G’s collection notes from December 28, 2012.
20. Attached is a true and correct copy of the following: Exhibit R- the Income Execution.
21. Attached is a true and correct copy of the following: Exhibit S- Paystubs reflecting the garnishment of Victor Callender’s wages.
22. Attached is a true and correct copy of the following: Exhibit T- The deposition transcript of Ronald Ferraro.
23. Attached is a true and correct copy of the following: Exhibit U- The E-courts screens for the collection lawsuit.
24. Attached is a true and correct copy of the following: Exhibit V- Emails from Victor Callender to his employer regarding the garnishment.
25. Attached is a true and correct copy of the following: Exhibit W- Victor Callender’s April 15, 2015 cease and desist letter.
26. Attached is a true and correct copy of the following: Exhibit X- The refund check, with cover letter.

27. Attached is a true and correct copy of the following: Exhibit Y- The complaint from *Brown v. Forster & Garbus, LLP*, et al., Case No. 15-cv-6779-KBF (United States District Court, Southern District of New York)].
28. Attached is a true and correct copy of the following: Exhibit Z- The complaint from *Francis v. LVNV Funding*, et al., Case No. 1:15-cv-03757 (United States District Court, Eastern District of New York).
29. Attached is a true and correct copy of the following: Exhibit AA- The petition from *Pfau v. Forster & Garbus*, et al., Index No. 2009-8236 (Supreme Court of the State of New York, County of Erie).
30. Attached is a true and correct copy of the following: Exhibit BB- The consent order from *Pfau v. Forster & Garbus*, et al., Index No. 2009-8236 (Supreme Court of the State of New York, County of Erie).

Dated: Brooklyn, New York
May 9, 2017

Respectfully submitted,
/s/

Ahmad Keshavarz
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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the

following:

CAROL A. LASTORINO, ESQ.
926 RXR Plaza
Uniondale, New York 11556-0926
(516) 357-3000
RR File No. 12607-1

Dated: Brooklyn, NY

May 9, 2017

/s/

Ahmad Keshavarz
Attorney for Plaintiff